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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JEFFREY MOLNAR, WESLEY
THORNTON, AILEEN MARTINEZ,
CHIQUITA BELL, TEYIA BOLDEN, and
ANTOINETTE STANSBERRY
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

NCO FINANCIAL SYSTEMS, INC., a
Pennsylvania Corporation,

Defendant.

Case No. 3:13-cv-00131-BAS-JLB

**PLAINTIFFS' UNOPPOSED
EX PARTE MOTION TO EXTEND
DEADLINES**

1 Plaintiffs Jeffrey Molnar, Wesley Thornton, Aileen Martinez, Chiquita Bell,
2 Teyia Bolden, and Antoinette Stansberry (collectively “Plaintiffs”), and Defendant
3 NCO Financial Systems, Inc. (“NCO,” and collectively with Plaintiffs, “the Parties”)
4 hereby agree to and request the Court’s approval of an extension of 90 days to the
5 following scheduled dates set forth in the Court’s Scheduling Orders of April 10, 2014
6 (Dkt. 81) and September 10, 2014 (Dkt. 103).

7 1. On April 10, 2014, the Court issued a Scheduling order, setting forth
8 September 23, 2014 as the deadline for Plaintiffs to file their motion for class
9 certification. (Dkt. 81.)

10 2. On September 10, 2014, on the Parties’ joint motion, the Court extended
11 Plaintiffs’ class certification deadline to November 22, 2014. (Dkt. 103.) That same
12 week, the Parties met and conferred regarding NCO’s responses to Plaintiffs’ fourth
13 requests for the production of documents, as well as their interrogatories, and discussed
14 a procedure whereby NCO, in lieu of responding to several of Plaintiffs’ discovery
15 requests as posed, could instead provide a representative sampling of account files.
16 (*See* Declaration of J. Dominick Larry (“Larry Dec.”), attached hereto, at ¶ 7.)

17 3. After further discussion between the Parties, and on the Court’s request,
18 the Parties jointly moved for an extension of the deadlines for each to submit a joint
19 statement for determination of discovery disputes. (Dkt. 106.) In that motion, the Parties
20 stated that they expected to reach a consensus on whether a sampling would take place
21 (and if so on what terms) no later than October 3, 2014. (*Id.* 3.)

22 4. Over the course of the following month, NCO (along with its counsel)
23 worked to both put mechanisms in place to effectuate the sampling, and to prepare a
24 preliminary sample (in effect, a sampling of the sample) to provide to Plaintiffs’
25 counsel, so that the Parties could meaningfully discuss the final form of the sample
26 production. (*Id.* ¶¶ 8 – 10.) Throughout this time, Plaintiffs’ counsel repeatedly sought
27 updates and further information from NCO’s counsel regarding the status of the sample,
28 and generally impressed upon NCO the urgency of the production. (*Id.*)

1 5. On November 7, 2014, NCO produced the preliminary sample to its
2 attorneys for review. Upon reviewing the sample, Defendant's counsel determined that
3 the sample lacked certain information responsive to Plaintiffs' requests, and that NCO
4 would have to modify and restart the sampling procedure. (*Id.* ¶ 11.)

5 6. On November 10, 2014 Plaintiffs' counsel conferred with NCO's counsel
6 by both telephone and email regarding the sampling and the instant motion. (*Id.* ¶ 12.)
7 NCO's counsel informed Plaintiffs' counsel of the deficiencies in the preliminary
8 sample, and of NCO's ongoing attempt to produce a satisfactory sample. After further
9 discussion, NCO's counsel informed Plaintiffs' counsel that it could not provide a
10 definitive timeline for completing the production, but that its best estimate was between
11 30 and 45 days. (*Id.* ¶¶ 12 – 17.) NCO's counsel also reiterated that it had no opposition
12 to Plaintiffs' proposed extension. (*Id.*)

13 7. To expedite the process of reviewing the sample, the Parties have agreed
14 that NCO will provide a rolling production, such that Plaintiffs' counsel can begin
15 reviewing the sampling while NCO is still assembling it. Nonetheless, full production,
16 reviewing the entire sample, drawing conclusions from it, providing it to the Parties'
17 respective experts, and using the information gleaned from it to brief class certification
18 will take substantial time. (*Id.* ¶ 17.) As such, Plaintiffs request, and NCO does not
19 oppose, that Plaintiffs' deadline to file their motion for class certification be extended to
20 February 20, 2015 (i.e., 60 days from the anticipated completion of the sampling, and
21 90 days from the current November 22, 2014 deadline), in order to allow the Parties
22 adequate time to produce, review, and utilize the sample, and to account for any
23 potential sampling delays associated with the upcoming holiday season. (*Id.* ¶ 18.)

24 8. Furthermore, in order for the Parties to fully incorporate both the full
25 sampling and any class certification order into their merits discovery efforts (including
26 depositions and further discovery requests), and to account for any potential sampling
27 delays associated with the upcoming holiday season, Plaintiffs request—and NCO has
28 not indicated opposition to—an extension of 45 days for all remaining dates in the

1 Court's scheduling order. (*Id.* ¶ 19.) Specifically, Plaintiffs request that the Court
 2 extend the Parties' deadline to:

- 3 a. disclose the identities of their experts regarding the merits from
 4 January 5, 2015 to February 19, 2015;
- 5 b. disclose the identities of their rebuttal experts regarding the merits
 6 from January 26, 2015 to March 12, 2015;
- 7 c. disclose their Rule 26(a)(2)(B) expert reports from February 9, 2015
 8 to March 26, 2015;
- 9 d. supplement their merits-related disclosures regarding contradictory
 10 or rebuttal evidence from February 23, 2015 to April 9, 2015;
- 11 e. complete *all* discovery, including experts, from March 23, 2015 to
 12 May 7, 2015;
- 13 f. file all other pretrial motions, including motions for summary
 14 judgment, from March 13, 2015 to April 27, 2015;
- 15 g. file their memoranda of contentions of fact and law from May 27,
 16 2015 to July 13, 2015;
- 17 h. comply with the pre-trial disclosure requirements of Federal Rule of
 18 Civil Procedure 26(a)(3) from May 27, 2015 to July 13, 2015;
- 19 i. meet and take the action required by Local Rule 16.1(f)(4) from
 20 June 3, 2015 to July 20, 2015.

21 9. The relief requested herein is sought in good faith and not for any improper
 22 purpose, such as delay. (*Id.* ¶ 21.)

23 **WHEREFORE**, for the reasons stated above, Plaintiffs and Defendant jointly
 24 request that this honorable Court enter an order extending Plaintiffs' deadline to file
 25 their motion for class certification through February 20, 2015, extend all remaining
 26 deadlines by 45 days, and award any such other relief as the Court deems reasonable
 27 and just.
 28

Respectfully Submitted,

**JEFFREY MOLNAR, WESLEY
THORNTON, AILEEN MARTINEZ,
CHIQUITA BELL, TEYIA BOLDEN, and
ANTOINETTE STANSBERRY** individually
and on behalf of all others similarly situated,

Dated: November 12, 2014

By: s/ J. Dominick Larry
Counsel for Plaintiffs

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 12, 2014, I served the above and foregoing by causing a true and accurate copy of such paper to be filed and served on all counsel of record via the Court's CM/ECF electronic filing system.

s/ J. Dominick Larry